

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS TORCHIA, 2:04-cv-0673-GEB-CMK

Plaintiff,

vs. ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

CITY OF REDDING, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, bring this civil action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c) (21).

On September 7, 2005, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fifteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C.

2 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the court finds the findings and recommendations to
5 be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 7, 2005, are adopted in full;

9 2. The "stay" of proceedings entered by the court on
10 November 12, 2004, is lifted;

3. Plaintiff's request for injunctive relief is denied;

4. This action is dismissed without prejudice; and

5. The Clerk of the Court is directed to enter judgment and close this action.

Dated: September 28, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge